

## REMARKS

This amendment is responsive to the Office Action mailed on January 16, 2003.

Claims 14, 16, 19, 22, 28 and 35 - 69 are pending in the application. Claims 28, 35-37 and 41-55 are allowed. Applicants wish to express appreciation to the Examiner for the notice of allowed claims. Claims 14, 16, 22, 38 -40 56 – 58 and 60 – 69 are rejected. Claims 19 and 59 are objected to.

Claims 66 and 68 are amended herein.

Claims 14, 16, 22, 38- 40, 56 – 58 and 60 – 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belluci in view of Dries et al. The rejection is hereby traversed. The Examiner describes the teachings of Belluci in Paragraph 1 citing, a system for producing a personal ID card that includes a two dimensional machine readable code associated with the subject imprinted onto the card. Applicants' fail to see the relevance of these teachings with respect to the limitations set out in Applicants' claims 14, 16, 22, 38-40, 56-58 and 60-69.

Applicants' claim 14 sets out the step of: storing a predetermined identifying name of the element in the memory module. This step is not taught or suggested by Belluci or Dries. On the contrary, Belluci, (Col. 5, lines 9-15), teaches exactly the opposite sequence of first capturing a video image and only thereafter prompting an operator to fill in fields associated with the individual or subject.

The Examiner points to Dries for a teaching of a conventional video camera 16 for capturing images and a user database that stores the image and the image name. The "image capture device" of Dries is indeed just any conventional image capture device

coupled with a host computer. Dries, (Col. 7 line 52 - Col. 8), describes numerous embodiments for creating a background image which may come from an image capture device. Dries, (Col. 8, line 29 - 40), describes creating a background 250 by; “capturing the image through a Twain compatible installed image capture device 16 such as a scanner, digital camera or video camera.” Dries goes on to describe that the image capture device must be installed onto the computer to transfer a bitmap to the VBX control in the MDI child. However, Dries is completely silent with respect to whether the Twain compatible installed image capture device 16 is capable of, storing a predetermined identifying name of the element in the memory module; as set out in Applicants’ claim 14.

Accordingly, there is no teaching or suggestion or even a suggested desirability by Belluci or by Dries to store a predetermined identifying name of the element in any memory and especially not a memory contained with the housing of a video camera and further wherein the name is stored in the memory module prior to capturing an image of a subject.

Applicants’ claim 14 further sets out the step of: associating a barcode with the element, said barcode comprising a bar pattern representative of the predetermined identifying name of the element. Again, there is no teaching or suggestion or even a suggested desirability by Belluci or by Dries to associate a barcode with the element (or the subject as defined by Belluci). The Examiner alleges in paragraph 1 that; “A two dimensional machine readable code 30 associated with the subject 48 is imprinted onto the surface of the card 60.” Applicants respectfully disagree. Belluci associates a two dimensional machine readable code 30 with an image of the subject. Both the image of

the subject and the two dimensional code are reproduced on the ID card. Belluci never suggests any desirability to associate a barcode with the subject itself. Applicants' invention associates a barcode with the element to be videographed. This is clear from Applicants specification (Page 15, line 10), "Such a barcode label 64, which includes a barcode 66 may be attached or otherwise associated with a survey element." Applicants' barcode label is physically associated with the element to be videographed so as to clearly identify the element to the video camera system prior to capturing any video image thereof. The subject to be photographed in Belluci is a person. There is no need to associate a barcode with a person because a person can simply state their name to an operator. Moreover, according to the teachings of Belluci, the image of the person must be captured before generating a machine readable code because the machine readable code of Belluci is in-part an alternate representation of the image itself. Belluci teaches, (Col. 2, lines 24 - 26), "The same database generated by the camera is also used to generate a machine-readable coded version of the photograph which is imprinted elsewhere on the card". See also, (Belluci, Col. 3, lines 56-58), "In the preferred embodiment, the photographic portrait 12 shown in FIG 1A is encoded and printed as barcode 30 in FIG. 1B using the same database." This is completely different from steps b - f set out in Applicants' claim 14 which stores a predetermined name in a memory module housed within the camera body, associates a barcode with the element, (and not an image of the element as taught by Belluci), scans the barcode to identify the element to the video camera, and only thereafter captures an image of the element. Applicants' invention used predetermined names for known elements which are stored in the camera before the survey and well before capturing an image of the elements to surveyed. This is

just not the case with Belluci because both the image and the name of the element may be included in the two dimensional code, so clearly the pattern could not be generated before capturing the image. Accordingly the teachings of Belluci are completely different from the steps set out in Applicants' claim 14.

Dries is completely silent about a barcode of any type. There is clearly no suggestion in Dries for associating a barcode with the element, said barcode comprising a bar pattern representative of the predetermined identifying name of the element, as set out in claim 14. Moreover, there is no suggestion in Dries include a barcode scanner directly connected to the video camera system or for interpreting electrical signals within the video camera system to identify the element to the video camera system, each also set out in claim 14.

The Examiner further points to Dries (Col. 37, lines 12-17) as an example of a user database that stores the image and the images name. In the referenced text, Dries refers a database of objects which are images and each image has a name that can be changed by the user. However, there is nothing in Dries to suggest that predetermined names are coded onto barcodes associated with the elements to be videographed or that the barcodes are scanned by a barcode scanner before capturing an image of an element to associate the element name with a captured image of the element. Moreover, there is no suggestion by Dries to place object or image names onto a memory of the video capture device before capturing an image of the object.

Applicants claim 14 further includes the step of providing a video camera system comprising a digital data processor, a video data capturing system and a memory module each housed within a camera body;

The Examiner admits that Belluci lacks the teaching of the processor, video data capture system, and memory module housed within a camera body and the teaching of storing the identifying name of the element in the memory of the video camera system. Likewise Dries is completely silent about specific details of the image capture device. However, the Examiner then states that one of ordinary skill in the art would have recognized that incorporating the processor, video data capture system, and memory module into a camera body would have been an obvious engineering design choice and is not given patentable weight since no new and unexpected result develops from the incorporation of the components into a camera body.

The Examiner is respectfully reminded that; “when applying 35 U.S.C 103...the claimed invention must be considered as a whole” *Hodosh v. Block Drug Co., Inc.* 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir.1986).

Applicants’ claim 14, when taken as a whole, indeed sets out a method for capturing a video image of an element that is specifically limited to using a video camera system comprising a digital data processor, a video data capturing system and a memory module each housed within a camera body. But claim 14 also includes the step of scanning the barcode with a barcode scanner directly connected to the video camera system by a port in the camera body. The claimed combination provides the user with an ability to carry the camera system to the element to be videographed, to reliably identify the element to the video camera system by scanning a barcode associated with any selected element and to store digital video images of the selected element in the memory module with the identifying name of the selected element associated the images of the selected element.

Accordingly, Applicants respectfully submit that the combination of steps as is set out in claim 14 is a new and non-obvious improvement over the prior art cited herein.

The Examiner is reminded that;

“To establish *prima facie* obviousness of a claimed invention all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 891, 180 USPQ 580 (CCPA 1974).

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with regard to rejected claim 14 because as detailed above, all of the claimed limitations are not taught or suggested by the prior art of record. Moreover;

“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” *In re Millis*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Applicants further respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with regard to rejected claim 14 because the prior art of record fails to suggest the desirability for combining the teachings. Applicants’ suggest that the Examiner has failed to consider claim 14 as a whole. The Examiner is relying upon prior art teachings and suggestions of less than all of the steps set out in of 14 to make the rejection. Applicants’ submit that the full combination of steps set out in claim 14 is a non-obvious improvement over conventional video image capturing methods and offer a significant benefit to a videographer. The steps of claim 14, enabled by the device described in Applicants’ specification, allow a videographic survey to be conducted in any desired order, reduce errors when identifying an element to be videographed and allow the captured video data to be stored with a predetermined name associated with each image without the need for entering the element name either before or after the image has

been captured. Moreover, Applicants' invention further allows image data to be downloaded from the camera system, e.g. to the base computer with an element name associated with every image.

Accordingly it is submitted that independent claim 14 is allowable over the prior art of record. Moreover, since each of the claims depending from claim 14 even further distinguishes over the prior art of record, it is hereby submitted that dependent claims 16, 22, 38- 40, 56 – 58 and 60 – 69 are also allowable over the prior art of record. In view of the above remarks, reconsideration and withdrawal of the rejection of claims 14, 16, 22, 38- 40, 56 – 58 and 60 – 69 under 35 U.S.C. 103(a) as being unpatentable over Belluci in view of Dries et al. is hereby respectfully requested.

Claims 19 and 59 which depend from claim 14 are objected to. For the reasons stated above, it is respectfully submitted that the rejection of the base claim 14 is overcome. Claims 19 and 59 include further distinguishing features over the base claim 14 and therefore over the prior art of record. Reconsideration and withdrawal of the objection to claims 19 and 59 are hereby courteously requested.

Claims 22 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belluci/Dries as applied to claim 14 above, and further in view of Wakabayashi. For the reasons stated above, it is respectfully submitted that the rejection of the base claim 14 is overcome. Claims 22 and 38 include further distinguishing features over the base claim 14 and therefore over the prior art of record. Accordingly, the further rejection of claims 22 and 28 in view of Wakabayashi is moot. Reconsideration and withdrawal of the rejection of claims 22 and 38 under 35 U.S.C. 103(a) as being unpatentable over

Belluci/Dries as applied to claim 14 above, and further in view of Wakabayashi is hereby respectfully requested.

New claims 66 - 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlagheck et al. (US 5,808,303) in view of Bhardwaj et al. (US 5,580,172). With respect to claims 66 & 67, the rejection is hereby traversed for the reasons stated below. Claims 68 and 69 are amended herein to overcome the rejection.

The Examiner points to Schlagheck as a teaching of an infrared focal plane array in combination with a computer and a barcode reader for acquiring board type, model number and other parameters which are used to set up the correct test sequence. The Examiner points to Bhardwaj as a teaching of a video capturing system and a computer. Claims 66 & 67 include the specific limitations of:

- storing a predetermined identifying name for each of a plurality of elements in the memory module; and,
- scanning a barcode associated with any one of the plurality of elements with the barcode scanner to identify the element to the digital data processor, said barcode including a bar pattern representative of the predetermined identifying name.

No such limitations are suggested by Schlegheck or Bharwaj or Schlegheck in view of Bharwaj. Applicants agree with the Examiners characterization that Schlegheck teaches; “a barcode reader for acquiring board type, model number and other parameters which are used to set up the correct test sequence.” However, this teaching is completely different from the limitations set out in claim 66. Specifically, Schlegheck, (Col. 4, lines 57 -64), states, “the card is scanned by a barcode reader (95). The reader (95)



acquires the necessary information, namely board type, model number and other parameters which are used to set up the correct testing sequence.” Accordingly, the barcode scanner of Schlegheck is only used to select the appropriate PC board test sequence. Schlegheck is completely silent about storing a predetermined identifying name or scanning each PC board to determine a unique identifying name of the PC board, e.g. a PC board serial number. These limitations are set out in claim 66. This point is further reinforced in Schlegheck, (Col. 6, lines 25 - 30); “Upon release, the mouse button user is prompted to enter the card ID and other user optional data. Each card selection and identification are logged to a specific board type Data Base Management System (DBMS) and can be modified at any time by the operator.” There is no suggestion by Schlegheck for storing a predetermined identifying name for each of a plurality of elements in the memory module; and, scanning a barcode associated with any one of the plurality of elements with the barcode scanner to identify the element to the digital data processor, said barcode including a bar pattern representative of the predetermined identifying name. The first time that such features are described is in the Applicants’ specification and not in the prior art cited.

Regarding the limitation of claim 66 of providing a video camera system which houses a memory module, a digital data processor and a video image capturing system within a camera body thereof and which includes a barcode scanner in communication with the digital data processor for scanning barcode patterns, this limitation is also not suggested by the combined teachings of Schlegheck and Bharwaj. Bharwaj does not suggest or suggest the desirability for a barcode scanner of any type. Neither of the references, whether taken alone or in combination, suggests or suggests the desirability to

combine a memory module, a digital data processor and a video image capturing system within a camera body and to include a barcode scanner in communication the digital data processor to provide portability of the camera for carrying the camera from element to element. This combination of elements is first described in Applicants specification and not in the prior art cited.

The Examiner states that Bharwaj teaches a video camera 12 used for producing a thermal image of a part 16. It is respectfully submitted that the video camera of Bharwaj does not produce a thermal image. Instead, Bharwaj, (Col. 2, lines 41-50), teaches providing; "a temperature map of a part having been painted with temperature sensitive paint." Moreover, (Bharwaj, Col. 4, lines 15-30), the video camera 12 is connected to a computer 18 and a video monitor 20. The computer 18 is used for analysis of video images and control of the system and includes an imaging board for video digitization and display of the image on a separate computer display monitor 24 connected to the computer. Applicants respectfully submit that there is absolutely no suggestion in Bharwaj to provide a video camera system which houses a memory module, a digital data processor and a video image capturing system within a camera body thereof and which includes a barcode scanner in communication with the digital data processor for scanning barcode patterns as set out in Applicants' claim 66. Moreover, there is no suggestion by Bharwaj to store a predetermined identifying name for each of a plurality of elements in the memory module as set out in Applicants' claim 66 and there is no suggestion by Bharwaj to scan a barcode associated with any one of the plurality of elements with a barcode scanner to identify the element to the digital data processor also as set out in Applicants' claim 66. Instead Bharwaj uses the computer 24 to control the system and

not a processor inside the camera. This is stated in Bharwaj, (Col. 6, lines 33-35), "The image to be obtained is named at block 58 by prompting the operator to enter a title for the image." Accordingly there is not a single limitation of claim 66 suggested by Bharwaj and Applicants' respectfully submit that there is no reason to look to Bharwaj to solve any of the problems solved by Applicants invention.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with regard to rejected claims 66 and 67 because, as detailed above, all of the claimed limitations are not taught or suggested by the prior art of record. Moreover applicants further respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with regard to rejected claims 66 and 67 because the prior art of record fails to suggest the desirability for combining the teachings.

Applicants' further suggest that the Examiner has failed to consider claims 66 and 67 as a whole and is relying upon prior art teachings and suggestions of less than all of the steps set out in claim 66 to make the rejection. Claims 66 and 67, when considered as a whole, specifically set out a non-obvious improvement over conventional video image capturing systems and offer a significant benefit to a videographer by enabling a videographic survey to be conducted in any desired order, by enabling a videographic survey to be carried out without operator errors when identifying the elements and also by enabling the captured video data to be stored with a predetermined name associated with each image without the need for entering the element name after the image has been captured.

Accordingly it is submitted that claims 66 and 67 are allowable over the prior art of record. Reconsideration and withdrawal of the rejection of claims 66 and 67 as being unpatentable over Schlagheck in view of Bhardwaj is hereby courteously requested.

Amended claims 68 and 69 include the specific limitations of a camera system having:

a digital data processor, a video data capturing system and a memory module housed within a camera body for capturing, processing and storing videographic images;

a barcode scanner in communication the digital data processor for scanning barcode patterns for identifying elements to be videographed to the digital data processor, and,

wherein said camera system is configured to be movable to a selected element to be videographed to scan a barcode associated with the selected element and to store a predetermined name of each of the elements to be videographed in the memory module for recall in response to scanning the barcode associated with the selected element.

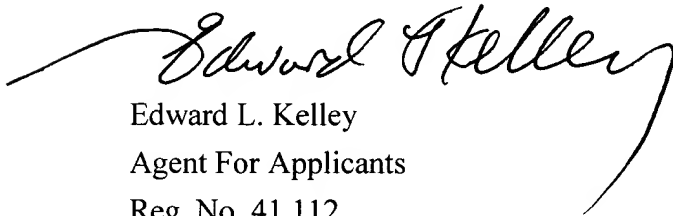
No such limitations are suggested by Schlegheck or Bharwaj. As stated above, the references whether taken alone or in combination do not suggest a digital data processor, a video data capturing system and a memory module housed within a camera body. Moreover, the cited references whether taken alone or in combination do not suggest a barcode scanner in communication the digital data processor for scanning barcode patterns for identifying elements to be videographed to the digital data processor or a video camera system configured to be movable to a selected element to be videographed to scan a barcode associated with the selected element and to store a predetermined name of each of the elements to be videographed in the memory module

for recall in response to scanning the barcode associated with the selected element, all as set out in amended claim 68.

Applicants respectfully submit that amended claims 68 and 69 overcome the rejection based on Schlagheck in view of Bhardwaj because, as detailed above, all of the claimed limitations are not taught or suggested by the prior art of record. Moreover, applicants further respectfully submit that Schlagheck in view of Bhardwaj fails to suggest the desirability for combining the teachings. Amended claims 68 and 69, when considered as whole, offer improvements not suggested by Schlagheck or Bhardwaj or Schlagheck in view of Bhardwaj. Amended claims 68 and 69, when considered as a whole, specifically set out a non-obvious improvement over conventional video image capturing systems and offer a significant benefit to a videographer by enabling a videographic survey to be conducted in any desired order, by enabling a videographic survey to be carried out without operator errors when identifying the elements and also by enabling the captured video data to be stored with a predetermined name associated with each image without the need for entering the element name after the image has been captured.

Applicants respectfully submit that the application is in condition for allowance. If the Examiner feels that a personal or a telephonic interview would be useful to discuss any amendments to the claims that would put the application in condition for allowance, Applicants representative would welcome such an opportunity and can be reached by telephone at 781-354-7375, or by e-mail at "kelley.ima@rcn.com".

Submitted for Applicants by

A handwritten signature in black ink, reading "Edward L. Kelley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

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